

PREVENTIVE LAW SERIES  
**WILL WORKSHEET**



Prepared by:  
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**NOTE: THIS PACKAGE *ITSELF* IS NOT A WILL.**

**PRIVACY ACT STATEMENT**

Individuals seeking legal assistance are requested to provide personal information. The authority for soliciting and maintaining this information is found in 5 U.S.C. Section 301 and 44 U.S.C. Section 3101. The information you provide will be used by the personnel of this legal office to assign an attorney to you, to prepare estate-planning documents and to provide periodic workload productivity and statistical reports. The information you are requested to provide is solicited on a voluntary basis, however, failure to provide the requested information could result in this office being unable to provide the services requested.

There are several documents covered by this worksheet: a Will, an Advance Medical directive (also known as a living will or declaration), a Health Care Power of Attorney and a Springing Durable "Financial" Power of Attorney (only effective when you become disabled or incapacitated. If you need a General Power of Attorney that becomes effective immediately, our office can prepare that for you without an appointment.

**PERSONAL INFORMATION**

1. Marital Status <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Separated or about to divorce (check <b>all</b> that apply)				
2. Your Name (First, Middle, Last)		SSN	Date of Birth	
3. Spouse's Name (First, Middle, Last)		SSN	Date of Birth	
4. Home Address (Number, Street)		City	State	Zip
5. Mailing Address If Different From Above (Number, Street)		City	State	Zip
6. Svcmb's Home Phone (     )	Work Phone (     )	Cell Phone (     )	Email	
7. Spouse's Home Phone (     )	Work Phone (     )	Cell Phone (     )	Email	
8. Svcmb's Command/Employer/Retired Svc	Occupation	Rate/Rank	Branch of Service	Time in
9. Spouse's Command/Employer/Retired Svc	Occupation	Rate/Rank	Branch of Service	Time in

(a) Your Children

Full Name (First, Middle, Last)	Sex M/F	Age	From a Previous Marriage? Y/N	Status B-biological A-Adopted S-Stepchild

(a) Do any of your children have a legal parent who is not your current spouse? ☐ Yes ☐ No

1. If so, list full names of other parent(s) with the corresponding names of the children listed above:

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(b) Are you pregnant or expecting a child? ☐ Yes ☐ No

(c) If you have no children, do you want to plan for future children now? ☐ Yes ☐ No

(d) Are adopted children to be treated the same as natural children under this estate plan? ☐ Yes ☐ No

(e) If you have stepchildren, are stepchildren to be treated the same as natural children under this estate plan? ☐ Yes ☐ No

(f) Are grandchildren to be included under this estate plan? ☐ Yes ☐ No

Please answer the following questions: If you answer **YES** to any of the questions 1 through 11, please address these questions with a Legal Assistance Attorney because this may preclude us from providing you with estate planning documents.

1. Are you a resident of **Louisiana or Puerto Rico or Guam**? ☐ Yes ☐ No

2. Does the value of **everything you own, including the value of your insurance policies at your death**, exceed **one million dollars** (include the property of both you and your spouse if you are married and the value of any life insurance policies you own)? ☐ Yes ☐ No

3. Do you own any **land, home, personal property or other assets** in a **foreign country**? ☐ Yes ☐ No

4. Do you own or hold a financial interest or ownership in a **business or farm**? ☐ Yes ☐ No

5. Do you currently benefit from a revocable or irrevocable trust? ☐ Yes ☐ No

6. Did you or your spouse acquire any property while residing in a community property state? (AZ, CA, TX, ID, LA, NM, NV, WA, WI) ☐ Yes ☐ No

7. Are you, your spouse or any beneficiary a NON-U.S. citizen? ☐ Yes ☐ No

8. Do you have a separation agreement?\*\*\* ☐ Yes ☐ No

9. Do you have a divorce decree that mentions pension, insurance or other property rights?\*\*\* ☐ Yes ☐ No

10. Do you currently have a will, living will, living trust or durable power of attorney?\*\*\* ☐ Yes ☐ No

**\*\*Please bring these documents to your appointment.**

**11. IN WHAT STATE(S):**

**IN WHAT STATE(S):**

- a. are you currently stationed? \_\_\_\_\_
- b. do you own real estate? \_\_\_\_\_
- c. do you file income tax? \_\_\_\_\_
- d. do you vote? \_\_\_\_\_

- e. do you have a current driver's license? \_\_\_\_\_
- f. is your vehicle registered? \_\_\_\_\_
- g. do you plan to retire? \_\_\_\_\_

**YOUR ESTATE ASSETS**

**When we assist you in planning your estate, it is important that we know what kind of property you own and exactly how you own it (how it is titled). Each state has different rules as to how property passes, and we can only help you and your family if you take the time to gather the necessary information. If the total value of your assets is more than one million dollars call our office: we will request additional information to do more advanced estate planning.**

You may not have some of the types of assets listed below. If not, just print "NONE" in the spaces and move on. If you need more room to write additional assets, please write on a separate piece of paper.

**1. Do you (or your spouse) have any COMMERCIAL life insurance policies and/or annuities?**

Name of Company	Who is insured	Who owns the Policy	1 <sup>st</sup> Beneficiary	2 <sup>nd</sup> Beneficiary	Death Benefit
Value of your SGLI or VGLI: _____ Spouse SGLI _____					Total Value of Policies in Q 1:

**2. Do you (or your spouse) own a home or any other real estate? If so, bring a copy of the deed(s) to your appointment.**

Description and Location	Titled in whose name (or names) Indicate if Joint or Beneficiary and name	Purchase Price	Market Value	(-)Mortgage	(=) Equity
Total Net Value in Q 2 :					

**3. Do you (or your spouse) own any other titled property such as a car, boat, etc.?**

Description	Titled in whose name (or names) Indicate if Joint or Beneficiary and name	Market Value	(-)Loan Bal	(=) Equity
Total Net Value in Q 3:				

**4. Do you (or your spouse) have any checking accounts or interest bearing accounts (savings, money market, CD's)?**

Name of Bank and type of account (savings, checking, etc.)	Titled in whose name (or names) Indicate if Joint or Beneficiary and name	Approx. Balance
Total Value in Q 4:		

5. Do you (or your spouse) own any investments such as stocks or mutual funds (do *not* include IRAs)?

Name of Investment or Brokerage Account	Titled in Whose Name Indicate if Joint or Beneficiary and name	Current Value
Total Value in Q 5:		

6. Do you (or your spouse) have any retirement accounts? (401K, IRAs, Thrift Savings Plan?)

IRA/Plan Owner (H or W)	Description of Plan or IRA	Who is designated as beneficiary if owner dies?	Current Value
Total Value in Q 6:			

Total Value of everything you (and your spouse) own (add totals of Q1 through Q6 above.....)\$\_\_\_\_\_

## YOUR PLAN OF DISTRIBUTION

### 1. SPECIAL GIFTS

#### SPECIFIC BEQUESTS

(for example: wedding ring to your daughter)

Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to the Beneficiary's heirs <input type="checkbox"/> Or, gift passes with the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:
Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to the Beneficiary's heirs <input type="checkbox"/> Or, gift passes with the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:

#### CASH BEQUESTS

(for example: \$500 to the SPCA)

Dollar Amount and source of funds:	Name/Address of Organization:	If Beneficiary dies before me, then to the rest of the estate <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:
Dollar Amount and source of funds:	Name/Address of Organization:	If Beneficiary dies before me, then to the Beneficiary's heirs <input type="checkbox"/> Or, Alternate Beneficiary, whose name is:

#### For Attorney Use Only:

For donations to organizations, ensure correct name and address

Separate Devise of Real Estate: ☐Yes ☐No

Beneficiary: \_\_\_\_\_ Alternate Beneficiary: \_\_\_\_\_

Separate Devise of all Personal Property: ☐Yes ☐No

Beneficiary: \_\_\_\_\_ Alternate Beneficiary: \_\_\_\_\_

#### Personal Property Memorandum

1. Client desires to use a Personal Property Memorandum(PPM) (for use in the following states: AK, AR, AZ, CO, DE, FL, HI, ID, IA, KS, MA, ME, MI, MN, MO, MT, ND, NE, NJ, NM, SC, UT, VA, WA and WY): ☐Yes ☐No

2. Items not listed in the PPM are to pass to:

☐Wife

☐named beneficiary: (First, Middle,Last)\_\_\_\_\_

☐as part of the residuary estate

## 2. DISINHERITANCE

Disinheritance allows you to exclude family members from receiving any benefit from your will. Most state laws prohibit a person from completely disinheriting a spouse and allow the spouse to override a will which disinherits that spouse by taking their "elective share". You do not need to expressly disinherit a former spouse since a former spouse is deemed to have predeceased you for estate purposes once your divorce is final unless you specifically name the former spouse as a beneficiary in your will.

(a) Do you wish to disinherit (exclude) a family member?

☐ Yes

☐ No

(b) If yes, please provide the following:

Full Name (First, Middle, Last)

Relationship to you

**3. DISTRIBUTING THE REST** If you didn't give any specific gifts or cash bequests, who gets the rest? OR if you did give a specific gift of cash bequest who do you want to get the rest?

☐ (a) all to spouse, and if spouse dies to your children equally; (If you checked this box please select (1) or (2) below)

☐ (1) if one of your children dies before you die, that deceased child's share goes to that child's children, your grandchildren (per stirpes) **OR**

☐ (2) If one of your children dies before you die, that deceased child's share is divided among your remaining living children with **nothing** going to your grandchildren (per capita)

**OR**

☐ (b) all to the following person(s):

Full Name of Person (First, Middle, Last)	Relationship to You	Percentage

## ALTERNATE BENEFICIARIES

Who do you want to receive your estate if you outlive the beneficiaries you've named above?

Full Name of Person (First, Middle, Last)	Relationship to You	Percentage

#### 4. MINORS AND THEIR MONEY

If you leave your money to minor or disabled children without further instructions, the money will be placed in a guardianship or conservatorship *of the property*. It is important to appoint someone to hold and manage the money for the children until they reach adulthood or while they are incapacitated. This method does not provide as much flexibility for managing the funds as other options allow, and all of the money will be given to your children/grandchildren when they reach age 18. If you desire more flexibility than a guardianship, you may choose a custodianship under the Uniform Transfer to Minors Act/Uniform Gifts to Minors Act.

The alternative to a guardianship or custodianship of the property is a trust. This allows the money to be managed by someone you trust until the children reach any age you choose. The person managing the money (called a trustee) has more flexibility in deciding how to invest the money, and the trustee may use the money throughout your children's lives for their health, education, and other needs – even before they reach the age at which the money is given to them in a lump sum.

(a) If any minor children inherits a portion or all of your estate, do you want the children's inheritance (**select ONLY one**):

☐ To be paid out to a custodian under the Uniform Gifts to Minors Act/Uniform Transfer to Minors Act. Under this choice the children **MUST** be given control of the money when the child(ren) turn 18 years of age, or up to 25 years old in some states.

**OR**

☐ Placed in trust for the minor(s). (Any age or combination of ages resulting in any distribution, in whole or in part, occurring after the age of majority which is 18-21 depending on the state law.)

(b) At what age do you want your children to be given their distribution under this will (select **ONLY one**):

- ☐ Some age between 18-21: \_\_\_\_\_
- ☐ 18
- ☐ 21
- ☐ 25 (option for trusts only)
- ☐ 30 (option for trusts only)
- ☐ 1/2 at age 21 and 1/2 at age 25 (option for trusts only) or 1/2 at age \_\_\_\_\_, 1/2 at age \_\_\_\_\_
- ☐ 1/3 at 21, 1/3 at 25, 1/3 at 30 (option for trusts only) or 1/3 at age \_\_\_\_\_, 1/3 at age \_\_\_\_\_, 1/3 at age \_\_\_\_\_
- ☐ Some age older than 21: \_\_\_\_\_ (option for trusts only)

<b>For Attorney Use Only: Does the client want:</b> <input type="checkbox"/> Separate Trusts <input type="checkbox"/> Family Pot Trust Does the client need a Preresiduary Trust for any child? <input type="checkbox"/> Yes <input type="checkbox"/> No
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(c) If you chose a trust or a custodial account under UTMA, identify a U.S. citizen or lawful permanent resident (LPR) or corporate trustee to manage the trust (trustee) and name an alternate. Do not name your spouse if your property first goes to your spouse and then your children/other person(s).

Primary Trustee/Custodian

Full Name(First, Middle, Last)	Relationship to you	State of Residency

Alternate Trustee/Custodian

Full Name(First, Middle, Last)	Relationship to you	State of Residency

**For Attorney Use Only:**

-May the trustee elect to liquidate a small trust to the income beneficiary(ies) or appropriate guardian(s) of the income beneficiary(ies)? ☐ Yes ☐ No

-If yes, the trust principal must be less than what amount in order for the trustee to have the option of liquidating the trust?  
\$ \_\_\_\_\_

-May a majority of the beneficiaries of any trust under the will remove a trustee and appoint a successor trustee?

☐ Yes ☐ No

**5. BENEFICIARIES WHO MAY BE UNDER A DISABILITY AND REQUIRE SPECIAL CARE**

If you are leaving property to someone who has a disability and is receiving or may be eligible to receive government benefits, your will should include a “special needs trust” to protect the person’s government benefits. Please provide the following information:

Name of Disabled Person and Relationship to You	
Property, Percentage of Estate or \$ Amount	
Trustee	
Alternate Trustee	

**For Attorney Use Only:** Is the State to be entitled to reimbursement of Medicaid payments? ☐ Yes ☐ No

**SERVICEMEMBERS GROUP LIFE INSURANCE (SGLI)**

Name of Beneficiary	Relationship to You	Share	Lump Sum or 36 payments
<b>Principal</b>			
1.			
2.			
<b>Contingent</b>			
1.			
2.			
3.			
4.			

**Death Gratuity:** Spouse and eligible children are automatically designated by law as the beneficiary of the death gratuity (\$100,000) if they are alive after you die.

**Page 2 (NAVPERS 1070/602)** – remind clients to keep this up to date identifying spouse and children for the death gratuity OR, if no spouse and children, to designate another beneficiary.

☐ **Client counseled on SGLI and Death Gratuity**

☐ **Draft New SGLI**

6. **GUARDIAN OF THE CHILDREN**

You can name a guardian of the person to care for any minor children or adult disabled children of whom you and your current spouse are the legal custodians. You can also name a guardian of the person to care for any minor children or adult disabled children of whom you and another person (who is not your current spouse) are the legal custodians. The guardian(s) of the person will care for your minor children ONLY in the event the other legal custodian dies before you or the other legal custodian is declared unfit by a court. You can also name a guardian/conservator of the property of minors in the event children receive property from your estate when they are minors.

Special Considerations:

- 1. **Guardian/Conservator of the property of minors should be a U. S. citizen** or a lawful permanent resident of the United States.
- 2. Some states **do not accept non-residents of that state** as guardians/conservators of the property and may require the guardian to post bond regardless of the nomination of a non-resident guardian in the will.
- 3. Your child(ren) may become eligible for social security benefits and military dependent benefits in addition to any life insurance proceeds that you leave. The court **may not allow a non-resident alien or a foreign national** to control the minor child(ren)’s estate.
- 4. **Nomination of Guardian of the person and/or property:** The court **may** appoint someone **different** than the person who is nominated in your will to act as guardian of the person and/or property based on the best interests of the child.

(a) Do you wish to name a guardian for your children in the event that both you and the other legal parent (if one exists) are deceased OR you are deceased and the other legal parent is declared unfit by the court? ☐Yes ☐No

(b) **GUARDIAN OF THE PERSON**

Primary Guardian(s)

Full Name(First, Middle, Last)	Relationship to you	State of Residency

Alternate Guardian(s)

Full Name(First, Middle, Last)	Relationship to you	State of Residency

(c) **CONSERVATOR/GUARDIAN OF THE PROPERTY**

Can the person named in 6 (b) above also act as guardian (conservator) of the children’s money? ☐Yes ☐No

If NO, please provide the following information:

Primary Conservator/Guardian(s)

Full Name(First, Middle, Last)	Relationship to you	State of Residency



Alternate Conservator/Guardian(s)

Full Name(First, Middle, Last)	Relationship to you	State of Residency

**For Attorney Use Only:**

**-Must the persons you have appointed as guardian(s) post bond to cover any child(ren)'s property?**

☐ Yes ☐ No

**-Must the guardian(s) file an accounting with the court upon request of the child(ren)?**

☐ Yes ☐ No

**7. EXECUTOR OR PERSONAL REPRESENTATIVE (REQUIRED):**

An executor is a person you nominate in your will to carry out the directions in your will. You should name an executor. If you do not, the court will appoint one. Your executor should be someone you trust, and he or she **must be at least 18 years old and should reside in the United States**. Additionally, some states require the executor/personal representative to post a bond and/or to name a resident of that state as the executor/personal representative. Consult your legal assistance attorney for state requirements regarding the appointment of executors.

Primary Executor/Personal Representative

Full Name(First, Middle, Last)	Relationship to you	State of Residency

Alternate Executor/Personal Representative

Full Name(First, Middle, Last)	Relationship to you	State of Residency

**For attorney use only: Should the Executor/Personal Representative be required to post bond?** ☐ Yes ☐ No

## **DURABLE POWER OF ATTORNEY FOR HEALTH CARE**

This document appoints someone to make medical care decisions for you in the event that you have an illness or accident and medical professionals need someone to authorize or decline certain treatments for you because you cannot make your own medical decisions. The power of attorney for medical care gives the person you designate as your agent the authority to make a wide range of medical decisions on your behalf. It also gives your agent access to your medical information and authority to fully participate with your treating physicians in deciding the care to be provided to you. Obviously, the person you designate to be your agent should be someone you trust with life and death decisions.

1. Do you want a POA for health care?

☐ Yes ☐ No

Primary Agent	Alternate Agent
Name	Name
Relationship	Relationship
Address	Address
Phone Number	Phone Number

## **ORGAN DONATION**

1. Do you want to authorize the donation of organs for transplantation?

☐ Yes ☐ No

2. Do you want to authorize donation of organs and tissue for medical, educational and scientific purposes?

☐ Yes ☐ No

3. If you wish to OMIT certain organs for donation please list here: \_\_\_\_\_

4. If you are near death and the medical profession suggests hospice or indicates that there is no hope left, do you wish to express a desire to die at home or in a hospice rather than in the hospital if possible? ☐ Yes ☐ No

**For Attorney Use Only: In what State should the document apply? \_\_\_\_\_**

### **Funeral Arrangements:**

☐ Burial ☐ Cremation ☐ Full Donation

-full military honors? ☐ Yes ☐ No

### **-Other Desires:**

☐ Discussed requirement to designate a person authorized to direct remains in NAVPERS 1070/602

## **LIVING WILL/ADVANCED MEDICAL DIRECTIVE/DECLARATION**

A living will is not part of your last will and testament. A living will is more accurately called a natural death act declaration. This document states that in the event you have a terminal, incurable medical condition and your life is only being prolonged by means of artificially provided life support, and if you cannot communicate your desires at that point, the living will "speaks for you" so your doctors know, and can act upon, your desires regarding the termination of artificial life support.

Do you want a living will?

☐ Yes ☐ No

**FLORIDA RESIDENTS ONLY:** If you are not a FL resident, please skip and go to the next page.

Do you want to name a separate agent for your living will (if you do not, your agent will be the same as for your health care power of attorney below)?

☐ Yes ☐ No

If yes, please list name, relationship, address and phone number: \_\_\_\_\_

## SPRINGING DURABLE “FINANCIAL” POWER OF ATTORNEY

Your will enables you to dispose of your property as you wish after your death. While you are living, you have the right to decide what happens to that property so long as you are of sound mind. But if you ever become incapacitated, whether through illness or accident, and are unable to handle your own affairs, a court order may revoke your right to manage your own money and appoint a guardian or conservator. To protect yourself from this eventuality, you can appoint an agent for yourself through a power of attorney.

A power of attorney is simply a written authorization for someone to act on your behalf, for whatever purpose you designate in writing. Ordinarily, a power of attorney expires if you become mentally disabled – the time when you need help the most. A **springing durable** power of attorney can take effect when you **become** unable to manage your own personal and financial affairs and will last as long as you are alive or until you revoke it. As long as you are mentally competent, you can revoke a durable power of attorney whenever you like simply by destroying the document.

If you choose to have a springing durable general power of attorney, remember to name someone who you trust as your attorney-in-fact. Your attorney-in-fact will have great authority over your affairs. Not only can they keep your affairs in order, but they have the ability to abuse this document at your expense for their own gain.

1. Do you want your medical agent to serve also as your agent for the Springing Durable Power of Attorney? ☐ Yes ☐ No
2. If **not**, who do you wish to appoint as your agent?

Agent	Alternate Agent
Name/Relationship	Name/Relationship
Address	Address

3. (a) If you are unable to take care of yourself and a court needs to appoint a guardian or conservator to take care of you, do you want the court to appoint the person(s) named above as your guardian or conservator? ☐ Yes ☐ No

### For Attorney Use Only:

#### Is the Power of Attorney to:

- ☐ Sell your real property if you own any at the time
- ☐ Create an irrevocable income trust to qualify for Medicaid
- ☐ Disclaim (refuse to accept a gift from another estate or refuse to accept an insurance policy for which you have been designated the beneficiary) if doing so will benefit your estate
- ☐ Deal with IRA, retirement and pension plans on your behalf
- ☐ Prepare (or have a tax person prepare) and file your income taxes for you

Compensation for Agent: ☐ Not discuss compensation ☐ Reasonable compensation ☐ Agent waives compensation

Liability for Agent: ☐ No liability to 3<sup>rd</sup> parties for negligence ☐ Liability to 3<sup>rd</sup> parties for negligence

**Introduction:** This packet has two major purposes. First, it should provide you with information to assist you in determining what will happen to your property after your death. Second, it helps you provide the information needed by the LSC, Legal Assistance Branch to prepare your will.

**Answers to Common Questions About Wills:**

**A. WHAT IS A WILL?** A will is a written document that allows you to determine how your assets and property subject to probate will be distributed upon your death. It also allows you to determine who will be responsible for the care of your minor children and the management of their money should both you and your spouse die.

**B. WHAT WILL HAPPEN TO MY PROPERTY IF I DIE WITHOUT A WILL?** If you die without a will, your property will be distributed in accordance with state intestacy laws. Normally, the property will go to your spouse and/or your children, your parents, brothers and sisters, nieces and nephews, and other close relatives. Your friends, former spouse, or favorite charity would not get anything. The surviving member of an unmarried couple will not be protected. Only if you have no living relatives, will your property will go to the state – and then even if you have friends or a companion you want to inherit.

**C. KEEP IN MIND** that some property is NOT covered by a will.

1. Money from your life insurance policy will go to the people you've named as beneficiaries on the policy no matter whom you've chosen as heirs in your will.

2. You may own real estate, cars, bank accounts and other property with another person or persons as joint tenants with right of survivorship or as tenants by the entirety. Your joint tenants will usually inherit your share no matter whom you've named as heirs in your will.

3. In 10 community property states, the money, real estate and other objects you and your spouse acquire during your marriage are called community property. You own this property equally, no matter who earns the most. Therefore, your will *cannot* include your spouse's half of the community property, only your half.

4. Money from your retirement plan will go to the people you've named in your plan, with or without a will.

**D. WHAT WILL HAPPEN TO MY CHILDREN IF I DIE WITHOUT A WILL?** If the other parent is living, s/he retains full custody of your children. If the other does not survive you, the probate court will appoint a guardian for your children in accordance with the laws of the state. The court will normally appoint the person you have designated in your will, if the person is available. In your will you should provide for a guardian of your choice (someone you know and trust) and at least one alternate who is not your parent.

**E. DO I NEED A WILL?** You, the client, must answer this question. An attorney can advise you about the relevant law, but you must decide whether you want to distribute your property and care for your heirs by will or by the provisions of the intestacy laws of your state. For some people the state intestacy laws are adequate, but for many a well-drafted will is the best way to be sure that property will be given to the right people. It is recommended that you discuss your situation with the legal assistance attorney before making a decision. Having a will may save your heirs time and money later.

**F. HOW SHOULD I DISPOSE OF MY PROPERTY?** You must also answer this question. An attorney will give you legal advice about your chosen disposition, but ultimately you decide how to dispose of your property. Wills for married people who have children typically provide that in the event of one spouse's death, all property passes to the other spouse; in the event that the person making the will is not survived by his/her spouse, all property goes to the children and/or grandchildren, perhaps in trust.

**G. YOU AND YOUR SPOUSE MUST EACH HAVE A SEPARATE WILL.** Ethical guidelines prohibit one attorney from counseling both spouses regarding even separate wills, unless both spouses sign a waiver of confidentiality and request dual representation by the same attorney. You should request our form titled “To All Married Couples Requesting Wills” and please do not schedule an appointment for both you and your spouse until you and your spouse read and sign this waiver. Without the signed waiver, the MLCP Legal Assistance Branch can only prepare a will of one spouse, not both.

**H. WHEN SHOULD I CHANGE MY WILL?** You should check your will after every marriage, divorce, birth or death in your family. You should change your will with any major changes in the circumstances of your life. We also recommend that you have your will reviewed every few years to ensure that it is adequate to handle your present needs. The wills prepared by the Legal Assistance Office have no provisions to save your estate from federal estate taxes and state taxes. *Should the size of your estate be such that it is subject to federal estate taxes* or should it increase so that it is subject to federal estate taxes you will be referred to an estate planning specialist in your state of domicile.

**I. DO I NEED OTHER ESTATE PLANNING DOCUMENTS?** The legal assistance attorney will discuss your estate planning needs and goals with you. MLCP does not provide estate planning for estates subject to federal estate taxes. However, there are other estate planning considerations you may want to discuss with the attorney to include: planning for disabled children; probate; probate avoidance; titles to assets; use of totten trusts; testamentary trusts; *inter vivos* trusts; advance medical directives (both directives to physicians and durable powers of attorney for health care); and powers of attorney. *In 2010 the laws for capital gains due for the sale of inherited assets are set to change, and you are advised to maintain documentation for the basis of all assets that you own. If your heirs cannot document your basis, the IRS will assign zero as the basis.* A zero basis could easily increase the amount of capital gains tax due should your heirs sell the inherited asset. Please tell your legal assistance attorney if you need additional information regarding any of these subjects. 01/02

## **GLOSASARY TO ASSIST YOU IN FILLING OUT THE WILL WORKSHEET**

### **BASIC DEFINITIONS AND TERMINOLOGY**

**WILL:** Document that will direct how you want your property distributed upon your death. SGLI is not paid out through your will. The will can be changed or revoked by the individual at any time by executing a new will and physically destroying the old document.

**TESTATOR:** You (the deceased person who made the will)

**BEQUEST:** Property given to a beneficiary in your will.

**BENEFICIARY:** Person you name in your will to receive property.

**HEIR:** Person who takes your property according to State law if no will exists at the time of death. It is a myth that the State takes your property if you do not have a will.

**EXECUTOR/PERSONAL REPRESENTATIVE:** Person you name in your will to carry out the directions in your will. You should name an executor. If you do not, the court will appoint one.

**CHILDREN:** Can include adopted children, your children born after your death if you die while your wife is pregnant, and stepchildren (the natural born or adopted children of a person’s spouse). A relationship by legal adoption is treated the same as a relationship by blood for purposes of taking property under a will.

**ISSUE:** These are descendants (by birth or adoption); in most cases, issue is your children and your children’s children.

**LEGAL GUARDIAN:** Person you name to take care of your children. You can name “co-guardians” in your will. Co-guardians must agree on decisions regarding your child.

**BOND:** A written promise to pay money if certain circumstances occur, such as that sometimes filed by an executor or trustee or guardian, to ensure a faithful performance by the person under bond.

**ACCOUNTING:** A report of all items of property, income, and expenses prepared by an executor, trustee or guardian and given to heirs, beneficiaries, and the probate court.

**PER STIRPES:** The most common way to distribute property. If a child dies, that child's share is divided among his or her children rather than your other primary beneficiaries. For example, if all three of your children survive you (i.e. live longer than you), then each would get one-third of your property. If, however, one of the children has died before you, his or her one-third share would be divided among his or her children if he or she had any.

**PER CAPITA:** This distribution may have the effect of cutting off grandchildren because property will be evenly distributed among children who are living when you die. For example, assume that you have three children as above but your will calls for a per capita distribution. If one of your children dies before you, then your other two children would receive a one-half share of your estate and your deceased child's children would receive nothing. In this example, the only way that grandchildren will receive anything at all is if all of your children have died with you or before you.

## **PLEASE COMPLETE FORM CG PSC-2020D DESIGNATION OF BENEFICIARIES & RECORD OF EMERGENCY DATA. (IF APPLICABLE)**

### **APPOINTMENT POLICY FOR COUPLES SEEKING WILLS:**

Should you need to cancel your appointment, we require a week and a half in advanced notice. This allows us to use the 3 hour time period we've set aside for other members who require assistance. Please be advised that if the cancellation does not occur within this time frame (barring unexpected deployments) we will have to book your next appointment two months from the date of cancellation. Thank you for your understanding.

I have read and agree with the above stated policy:

\_\_\_\_\_ (member) \_\_\_\_\_ (spouse)

Print Name: \_\_\_\_\_ Print Name: \_\_\_\_\_

## Ordering a Headstone or Marker

When burial or memorialization is in a national, post, or state veterans' cemetery, a headstone or marker will be ordered by the cemetery officials based on inscription information provided by the next of kin.

When burial is in a private cemetery, [VA Form 40-1330, Application for Standard Government Headstone or Marker](#) (PDF), must be submitted by the next of kin or a representative, such as funeral director, cemetery official or veterans counselor, along with [veterans military discharge documents](#), to request a Government-provided headstone or marker. Do not send original documents, as they will not be returned.

## Important Notice - New Law Concerning Eligibility for Headstones and Markers

Public Law 110-157, signed on December 26, 2007, allows the Department of Veterans Affairs (VA) to furnish a Government headstone or marker for the graves of eligible veterans who died on or after November 1, 1990, regardless of whether the grave is already marked with a privately purchased headstone or marker. Under the previous law, when the grave was already marked, only veterans who died on or after September 11, 2001 were eligible.

Public Law 110-157, also gives VA authority to "furnish, upon request, a [medallion](#) or other device of a design determined by the Secretary to signify the deceased's status as a veteran, to be attached to a headstone or marker furnished at private expense." This benefit will be available in lieu of a Government furnished headstone or marker, for veterans in privately marked graves who died on or after Nov. 1, 1990.

We currently estimate the new new device will be available in spring 2009. Please continue to monitor the [new headstone device](#) web page for updated information regarding this new benefit.

**Important:** Eligible veterans are entitled to either a Government-furnished headstone or marker, or the new device, but not both. If you think you may be interested in applying for the new device, we will begin accepting applications once a contract has been awarded for the manufacture of this new product. Application instructions will be posted on this website. If, after seeing the final new device design, you change your mind, you will still have the option to apply for a traditional Government-furnished headstone or marker.

There is no change in eligibility for veterans in unmarked graves: Regardless of the date of death, VA will furnish, at no charge to the applicant, a Government headstone or marker for the unmarked grave of any eligible veteran in any cemetery around the world.

Note: There is no charge for the headstone or marker itself, however arrangements for placing it in a private cemetery are the applicant's responsibility and all setting fees are at private expense.

## Types of Headstones and Markers Available

### Important Notice - New Law Concerning Eligibility for Headstones and Markers

#### NEW HEADSTONE DEVICE

The Department of Veterans Affairs is in the preliminary stages of designing a device to be affixed to an existing privately purchased headstone or marker to signify the deceased's status as a veteran.

If requested, this new product will be furnished in lieu of a traditional Government headstone or marker to those veterans that died on or after November 1, 1990, and whose grave is marked with a privately purchased headstone or marker.

We estimate this new device will be available in spring 2009 and we will begin accepting applications at that time.

**Important:** This benefit is only applicable if the grave is marked with a privately purchased headstone or marker. In these instances, eligible veterans are entitled to either a traditional Government-furnished headstone or marker, or the new device, but not both.

If you think you may be interested in applying for the new device, we will begin accepting applications once a contract has been awarded for its manufacture. Application instructions will be posted on this website. If, after seeing the final new device design, you change your mind, you will still have the option to apply for a traditional Government-furnished headstone or marker.

Please continue to monitor this site for updated information regarding this new product.

#### UPRIGHT TYPES:

These headstones are 42 inches long, 13 inches wide and 4 inches thick. Weight is approximately 230 pounds. Variations may occur in stone color, and the marble may contain light to moderate veining. (*Shown is the Upright Marble*)

Upright Marble or  
Upright Granite





## FLAT TYPES:

The flat bronze grave marker is 24 inches long, 12 inches wide, with 3/4 inch rise. Weight is approximately 18 pounds. Anchor bolts, nuts and washers for fastening to a base are furnished with the marker. The government does not furnish a base.

The flat granite and flat marble grave marker is 24 inches long, 12 inches wide, and 4 inches thick. Weight is approximately 130 pounds. Variations may occur in stone color; the marble may contain light to moderate veining. *(Shown is the Flat Granite)*

Bronze



Flat Granite or Flat Marble



## BRONZE NICHE:


















This niche marker is 8 1/2 inches long, 5 1/2 inches wide, with 7/16 inch rise. Weight is approximately 3 pounds; mounting bolts and washers are furnished with the marker.















Bronze Niche




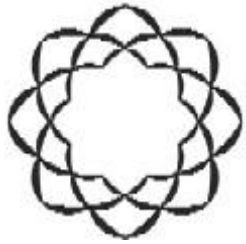




**NOTE:** [Pre-World War I Era Headstones and Markers](#) - In addition to the headstone and markers pictured, two special styles of upright headstones are available for Civil War era veterans - one for those who served with the Union Forces and another for those who served with the Confederate Forces. Requests for these special styles should be made in block 27 of the application. It is necessary to submit detailed documentation that supports eligibility.

## Available Emblems of Belief for Placement on Government Headstones and Markers

EMBLEM		
01	CHRISTIAN CROSS	
02	BUDDHIST (Wheel of Righteousness)	
03	JUDAISM (Star of David)	
04	PRESBYTERIAN CROSS	
05	RUSSIAN ORTHODOX CROSS	
06	LUTHERAN CROSS	
07	EPISCOPAL CROSS	
08	UNITARIAN CHURCH/UNITARIAN UNIVERSALIST ASSOCIATION	
09	UNITED METHODIST CHURCH	
10	AARONIC ORDER CHURCH	
11	MORMON (Angel Moroni)	
12	NATIVE AMERICAN CHURCH OF NORTH AMERICA	
13	SERBIAN ORTHODOX	
14	GREEK CROSS	
15	BAHAI (9 Pointed Star)	
16	ATHEIST	
17	MUSLIM (Crescent and Star)	

18	HINDU	
19	KONKO-KYO FAITH	
20	COMMUNITY OF CHRIST	
21	SUFISM REORIENTED	
22	TENRIKYO CHURCH	
23	SEICHO-NO-IE	
24	CHURCH OF WORLD MESSIANITY (Izunome)	
25	UNITED CHURCH OF RELIGIOUS SCIENCE	
26	CHRISTIAN REFORMED CHURCH	
27	UNITED MORAVIAN CHURCH	
28	ECKANKAR	
29	CHRISTIAN CHURCH	
30	CHRISTIAN & MISSIONARY ALLIANCE	
31	UNITED CHURCH OF CHRIST	

32	HUMANIST EMBLEM OF SPIRIT	
33	PRESBYTERIAN CHURCH (USA)	
34	IZUMO TAISHAKYO MISSION OF HAWAII	
35	SOKA GAKKAI INTERNATIONAL - USA	
36	SIKH (KHANDA)	
37	WICCA (Pentacle)	
97	CHRISTIAN SCIENTIST (Cross & Crown)	Not shown because of copyrights.
98	MUSLIM (Islamic 5 Pointed Star)	Not shown because of copyrights.